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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-12826 of 2015**

**Date of decision: July 22, 2016**

Babu Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Mr. H.P.S. Ishar, Advocate  
for the petitioners.

Mr. Shilesh Gupta, Addl. AG Punjab.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**A.B. CHAUDHARI, J (Oral)**

Heard learned counsel for the rival parties.

Learned counsel for the petitioner has put in motion for quashing the FIR in question. He has placed on record compromise deed (Annexure P-2) arrived at between the complainant as well as accused persons in FIR No.130 dated 05.12.2010, under Sections 353, 186, 506, 34 of Indian Penal Code, 1860, registered at Police Station Boha, District Mansa, Punjab.

Learned State counsel opposed the compounding/compromise citing the decision of Single Judge of this Court and submits that in the case of assault on public servant, the compromise should not be allowed.

Per contra, learned counsel for the petitioner has shown a Division Bench judgment of this Court upon reference made and has contended that compromise can be allowed even in such cases. Not only that, he has also cited 'en' number of judgments of this Court to show that even in such cases, under the inherent powers under Section 482 Cr. P.C., the High Court can allow compounding/compromise.

I have given careful thought to the entire matter and facts of the present case. Undoubtedly, in the present case, there is no complaint of any injury to the public servant but the offence was made out and therefore, FIR in question was registered. The judgment cited by learned State counsel of Single Judge does not consider the decision of the Supreme Court in Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543, as against Division Bench judgment of this Court, in which the said judgment and others have been considered. In the Division Bench, it is ultimately held that inherent power under Section 482 Cr. P.C. is required to be exercised looking to the facts of each case and several other surrounding circumstances. That is, what is the ratio of the decision in the case of Gian Singh's case (supra). The contingencies in which such compounding should not be allowed have also been laid down in the said judgment like, offences of dacoity, rape, murder etc.

In the present case, I find that the petitioners are the farmers/villagers and had prohibited the public servants from doing their work/duty and as such they were prosecuted in the aforesaid offence. Since now parties have arrived at settlement, I think the inherent power of this Court under Section 482 Cr. P.C. should be exercised in the facts and circumstances of the present case for compounding/compromise.

In that view of the matter, FIR No.130 dated 05.12.2010, under Sections 353, 186, 506, 34 of Indian Penal Code, 1860, registered at Police Station Boha, District Mansa, Punjab stands quashed in terms of compromise.

Petition stands disposed of, accordingly.

**(A.B. CHAUDHARI)**  
**JUDGE**

**July 22, 2016**

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